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| 09/714,267 | 11/17/2000 | Takayuki Mimura | 400929 | 5181 |
| 23548 | 7590 | 01/14/2005 | | |
| LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960 | | | EXAMINER KENDALL, CHUCK O | |
| | | | ART UNIT | PAPER NUMBER |
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DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/714,267

Applicant(s)

MIMURA, TAKAYUKI

Examiner

Chuck Kendall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 10/07/2004 has been entered.

2. Claims 1 – 10 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U.S. Patent Number 4,562,436) in view of Redford et al. (U.S. Patent Number 4,692,858) and further in view of Clarisse (U.S. Patent Number 5,247,651).

In regard to Claim 1, Coleman teaches: (a) a start-up means (Column 23, lines 18-19); (b) at least two scenarios which implement a specific function (Column 20, lines 8-12); (c) a priority level definition storage means for storing a priority level for each of the scenarios (Column 23, lines 22-23); (d) and a scenario analysis processing means for determining which scenario is to be

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executed at start-up according to a priority level definition (Column 23, lines 22-23). Coleman does not explicitly teach that the scenario is a text scenario comprised of control codes. Redford, however, does teach a system of defining tasks, where each task contains control codes (Figure 2(c), item 48d). Neither Coleman nor Redford teach storing a quantity representing the number of steps executable in response to a start-up, nor do they teach determining which steps of a text scenario are to be executed. Clarisse, however, does teach a counter for storing a number corresponding to the number of steps executing in a scenario, as well as determining which steps are to be executed (executable) by setting the counter before execution (Column 41, lines 36 – 45) also see Column 2, lines 55 – 60 and FIG. 4 – 5 and associated text.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to develop a system with a start-up means, at least two scenarios which implement a specific function, a priority level definition storage means for storing a priority level, and a scenario analysis processing means for determining which scenario is to be executed at start-up according to a priority level definition, as taught by Coleman, where the scenario is a text scenario comprised of control codes, as taught by Redford, since control codes contain the functionality of the steps to be executed in a format that a computer can act on, and the system includes a storage means for storing a quantity of executable steps, and a processing means for determining which steps must be executed at start-up as taught by Clarisse, since a scenario would likely execute a series of steps associated with the scenario to carry out the function of the scenario, and choosing the steps to be executed allows greater control of the scenario functionality.

In regard to Claim 6, Coleman teaches: (a) a start-up means (Column 23, lines 18-19); (b) at least two scenarios which implement a specific function (Column 20, lines 8-12); (c) a priority level definition storage means for storing a priority level for each scenario (Column 23, lines 2223); (d) and a scenario

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analysis processing means for determining which scenario is to be executed at start-up according to a priority level definition (Column 23, lines 22-23). Coleman does not explicitly teach that the scenario is a text scenario comprised of control codes. Coleman further does not teach event information storage means for storing processing information indicating processing to be performed on external data and scenario identification information indicating one scenario to be executed for at least two event identifiers, nor does he teach when an event identifier and external data are input from the external program, executing the corresponding scenario and processing the corresponding external data.

Redford, however, does teach a system of defining tasks, where each task contains control codes (Figure 2(c), item 48d). Redford further teaches sensors that sense cursor and mouse event information, and perform certain processing and carries out certain scenarios according to the event (Column 36, lines 1-8). Redford further teaches when an event occurs from an external program, the corresponding scenario is executed, and processing is carried out which affects the data of the external program (Column 36, lines 1-8). Neither Coleman nor Redford teach storing a quantity representing the number of steps executable in response to a start-up, nor do they teach determining which steps of a text scenario are to be executed.

Clarisse, however, does teach a counter for storing a number corresponding to the number of steps executing in a scenario, as well as determining which steps are to be executed by setting the counter before execution (Column 41, lines 36-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to develop a system with a start-up means, at least two scenarios which implement a specific function, a priority level definition storage means for storing a priority level for each scenario, and a scenario analysis processing means for determining which scenario is to be executed at start-up according to a priority level definition, as taught by Coleman, where the scenario is a text scenario comprised of control codes and an event information storage means for storing processing information

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indicating processing to be performed on external data and scenario identification information indicating one scenario to be executed for at least two event identifiers, as taught by Redford, since control codes contain the functionality of the steps to be executed in a format that a computer can act on, and the system includes a storage means for storing a quantity of executable steps, and a processing means for determining which steps must be executed at start-up as taught by Clarisse, since a scenario would likely execute a series of steps associated with the scenario to carry out the function of the scenario, and choosing the steps to be executed allows greater control of the scenario functionality.

For rejections of Claims 5 and 10, see the office action mailed on September 12th, 2003 (Note: Claims 5 and 10 have been amended to correct certain grammatical errors, and the scope of the claims have not been changed).

5. Claims 2 and 7 are rejected under 35 U.S.C 103(a) as being unpatentable over Coleman et al (U.S. Patent Number 4,562,436) in view of Redford et al. (U.S. Patent Number 4,692,858) and further in view of Clarisse (U.S. Patent Number 5,247,651) and Kawano et al. (U.S. Patent Number 5,511,167).

For rejections of Claims 2 and 7, see the office action mailed on September 12th, 2003.

6. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U.S. Patent Number 4,562,436) in view of Redford et al. (U.S. Patent Number 4,692,858) and further in view of Clarisse (U. S. Patent Number 5,247,651) and Hough (U.S. Patent Number 4,604,694).

For rejections of Claims 3 and 8, see the office action mailed on September 12th, 2003.

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7. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al. (U. S. Patent Number 4,562,436) in view of Redford et al. (U. S. Patent Number 4,692,858) and further in view of Clarisse (U.S. Patent Number 5,247,651) and Kurii (U.S. Patent Number 4,429,368).

For rejections of Claims 4 and 9, see the office action mailed on September 12, 2003.

Response to Arguments

8. Applicant's arguments filed 10/07/2004 have been fully considered but they are not persuasive.

Applicant on page 6, of Applicant's response argues that Clarisse doesn't teach knowing "how many steps are executable in response to a start-up...", i.e. before the actual execution of the steps.

Examiner believes that Clarisse still discloses this limitation. As set forth above in claim rejections and as disclosed in Clarisse, see FIG. 4-5 and at column 2, lines 55-60, Clarisse discloses "A user GRAS records a step of an example scenario by specifying a sender and receiver actor for the step, a message to be sent from the sender actor to the receiver actor, and any conditions that must be present in the system before the step is executed" (emphasis added). As disclosed Clarisse, clearly teaches being able to show how many steps (FIG. 4-5) are to be executed before the actual execution steps.

Further, Examiner disagrees with how Applicant interprets the Clarisse teachings. Specifically regarding Applicant's example on page 6 as to how Clarisse's counter is set to advance to such "step 50", while reading Clarisse at column 41, lines 42-53.

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It should be noted that, in Clarisse's counter that's used for setting (col.41:47 – 55), i.e. indicates the number of steps that will be executed (executable).

It should also be noted that the "counter" of Clarisse is part of his so-called "SoftCoder" provided in his teachings of an interactive computer program specification and stimulation system. See "Past-Reel" and "Future-Reel" at col: 40: 11 – 27, in particular at lines 13 – 17, Clarisse states " Past-Reel comprising a set of Undoable Scripts...all Script Instances (steps) are reverse (re-run/re-simulate) executable".

Conclusion

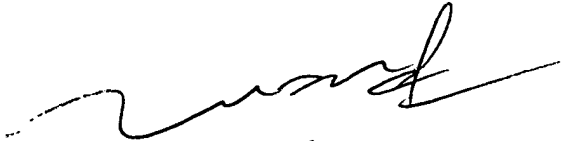
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK



TUAN DAM
SUPERVISORY PATENT EXAMINER